

1                                   A bill to be entitled  
 2           An act relating to lewd or lascivious exhibition;  
 3           amending s. 800.09, F.S.; prohibiting certain lewd or  
 4           lascivious acts in the presence of county or municipal  
 5           correctional personnel; providing criminal penalties;  
 6           providing an effective date.

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 8   Be It Enacted by the Legislature of the State of Florida:

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 10           Section 1. Section 800.09, Florida Statutes, is amended to  
 11   read:

12           800.09   Lewd or lascivious exhibition in the presence of an  
 13   employee.—

14           (1) As used in this section, the term:

15           (a) "Employee" means any person employed by or performing  
 16   contractual services for a public or private entity operating a  
 17   facility or any person employed by or performing contractual  
 18   services for the corporation operating the prison industry  
 19   enhancement programs or the correctional work programs under  
 20   part II of chapter 946. The term also includes any person who is  
 21   a parole examiner with the Florida Commission on Offender Review  
 22   and any person employed pursuant to s. 951.06 or s. 951.061.

23           (b) "Facility" means a state correctional institution as  
 24   defined in s. 944.02, ~~or~~ a private correctional facility as  
 25   defined in s. 944.710, or a county detention facility as defined

26 | in s. 951.23.

27 |       (2) (a) A person who is detained in a facility may not:

28 |       1. Intentionally masturbate;

29 |       2. Intentionally expose the genitals in a lewd or  
30 | lascivious manner; or

31 |       3. Intentionally commit any other sexual act that does not  
32 | involve actual physical or sexual contact with the victim,  
33 | including, but not limited to, sadomasochistic abuse, sexual  
34 | bestiality, or the simulation of any act involving sexual  
35 | activity,

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37 | in the presence of a person he or she knows or reasonably should  
38 | know is an employee.

39 |       (b) A person who violates paragraph (a) commits lewd or  
40 | lascivious exhibition in the presence of an employee, a felony  
41 | of the third degree, punishable as provided in s. 775.082, s.  
42 | 775.083, or s. 775.084.

43 |       Section 2. This act shall take effect July 1, 2019.